

## CALIFORNIA APPRENTICESHIP COUNCIL

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## LEGISLATION COMMITTEE MEETING MINUTES

Wednesday –October 28, 2009 2:30 p.m.

### I. Call To Order/ Roll Call

Chairperson Dina Kimble called the meeting to order at 2:30 p.m.

Members present: Dina Kimble, Carl Goff, Richard Harris, Julia Dozier, Les DenHerder and Acting Chief Glen Forman

A quorum was met.

Members absent: Cedric Porter Marvin Kropke, and Frank Secreet

Review/Approval of the minutes of July 29, 2009

Chairperson Kimble presented some changes to the minutes.

A motion to approve the minutes as amended was made by Commissioner Dozier and seconded by Commissioner Goff. The minutes were approved.

### II. Update on Pending Bills

#### a. SB45: **Public Works: Payment of Prevailing Wage: Violations** – Padilla – In ASM Appropriations

- Original: Collect fee on bonds to be used for enforcement of prevailing wages & apprenticeship requirements.
- This bill was vetoed by the Governor. The reason for the Governor's veto was that the provisions in the existing law are already adequate to preclude unscrupulous contractors from bidding on Public Works jobs. The standard of what constitutes intent to defraud to warrant permanent debarment is also not sufficiently defined. Other recent legislation strengthens existing law by creating an enforcement program to minimized public works violations.

#### b. AB3: **Workforce Development: Renewable Energy Workforce Readiness Initiative** – Perez – In Senate Appropriations

- Original: Required PUC to establish a workforce readiness program for green collar job placement. Would award training grants to implement training and education.
- The amendments move the bill out of the PUC and into the unemployment insurance code. As last amended, it would change the membership of local WIBs and impose a State mandated program and only make the bill enforceable if the Director of Finance determined there were sufficient funds for the program from ARA, the Workforce Investment Act of 1998 or other non-general funds sources.

- The Governor vetoed this bill in October and said it was unnecessary to legislatively establish additional mandates on existing efforts to accomplish these objectives.
- c. **AB35: Education: Workforce Preparation** – Furutani – in ASM Higher Education
- Original: Declared the intent of the legislature to enact legislation to develop strategic plan in education system for workforce preparation.
  - Amended prior to last meeting: will also require CA Postsecondary Education Commission, State Department of Education, and CA WIB to meet and develop a strategic plan and recommendations and report to the legislature.
  - No changes have been made since last meeting. Ms. Kimble stated that she will table this bill until other movement is made.
- d. **AB395: Employment: Apprenticeship Programs** – Fuentes – in Senate Appropriations Suspense File
- Original: Would allow state approved LCPs to enforce Section 1777.5. If no litigation results against the DAS, then fines can go to general fund of the sponsor of the LCP.
  - Amended July 6<sup>th</sup> – Added language that the Chief of the DAS will set guidelines on how the LCPs can enforce apprenticeship issues under 1777.5.
  - This bill was signed by the Governor. Acting Chief Glen Forman explained that currently an LCP (Labor Compliance Program) cannot enforce apprenticeship issues on Public Works projects. This will allow the Chief of DAS to, in agreement with an LCP, to enforce apprenticeship regulations on a Public Works site. Currently, if an LCP sees a violation they will have to file a complaint with DAS which will conduct an investigation.
- e. **SB725: Regional Occupational Centers or Programs: California Apprenticeship Preparation Program** – Held under submission in Senate Appropriations.
- Original: Would enact the California Apprenticeship Preparation Program Act of 2009 – would allow ROC/Ps to “partner” with state approved apprenticeship programs to develop curriculum. Students graduating through the program would receive credits (RSI hours) or preferential consideration for entry into the “partner” apprenticeship program.
  - No changes have been made since the last meeting. Ms. Kimble stated that she will table this bill until other movement is made with this bill.
- f. **AB958: Design-Build: Metropolitan Water District of Southern California: Solar Energy Systems** – Eng – in Senate Appropriations.
- This bill would authorize MWDSCA to enter into design build contracts for solar energy projects of \$1M or more. Ms. Kimble stated that in the language, contractors submitting proposals would have to prove they have skilled labor force availability, which constitutes having an agreement with a State approved apprenticeship program which has graduated apprentices for the preceding 5 years.

- This bill was vetoed by the Governor. The reasons for the veto was because provisions in the bill upset the delicate balance in negotiations over the last few years in design build procedures.
- g. **AB 1394: CA Workforce Investment Board:** Green Collar Jobs Council – Bass – in Senate Appropriations
- Original: the bill would authorize the GCJC to accept money or services from federal and state government entities, or private entities to be used for purposes relating to the administration and implementation of the strategic initiative.
  - This bill was amended to create the green collar jobs account in the State Treasury and would authorize the EDD to expend these monies for purposes related to implementation of strategic initiative in addition to the workforce training grants.
  - This bill was vetoed by the Governor. The reasons for the veto were because it was unnecessary. The EDD currently administers all funding for grants and workforce initiatives and it is inappropriate to include the DIR as a member of the green collars jobs council, as they are not a member of the California WIBs. The green color jobs council already has the authority to consult with the DIR as needed.
- h. **SB410: CA Workforce Investment Act:** Federal Funding – Ducheny – In Assembly Appropriations
- Original: Impose spending guidelines to ensure that an adequate percentage of federal funding available is used for training purposes. Not less than 40% of federal funds available to the state for workforce investments pursuant to Workforce Investment Act of 1998 will be used for employment training, and no more than 3% be used for administrative costs related to that training.
  - This bill was vetoed by the Governor for reasons that the bill makes unnecessary changes to state law and would duplicate what is required by federal law.
- i. **SB515: Career Technical Education** – Hancock – In Senate Unfinished Business
- This Bill would require, commencing with the 2012-2013 fiscal year, as a condition of receiving federal funds under the Carl D. Perkins Vocational and Applied Technology Education Act of 1998, that school districts, ROCs, and community college districts demonstrate that at least one-half of the course sequences offered are linked to high priority workforce needs in the career sectors identified by the Labor and Workforce Development Agency or the Labor Market Information Division of the EDD for that regional area.
  - This bill was sent back to Assembly for further action, again passed Assembly on September 3, 2009 and then placed in the inactive file on September 11, 2009. Ms. Kimble will keep this bill for the next agenda.

### III. New Bills

- Committee Chairperson Dina Kimble did not have any new bills to present.

#### IV. Action Items

- Ms. Kimble did not comment or further discuss issues with regards to the draft language for an Apprentice Tax Credit and Bid Credit to contractors who participate in employment of apprentices.
- Possible proposed language for 1777.1:
  - Ms. Kimble recapped the draft proposal that was presented by Richard Markuson at the last meeting. She presented a copy of changes to his proposal and asked for public comment. Comments were made and Commissioner Kimble stated that language would be added as to how violations would be calculated and bring the matter back to the committee. She also stated that the committee would not ask the Council to approve the proposal as scheduled on their agenda.
  - Ms. Kimble reiterated DAS Acting Chief's suggestion on how to get this bill to the legislature; it could go through the CAC, to the DAS through the Department of Labor and become an administrative bill or one of the programs could find someone to sponsor the bill. It was suggested to go through the CAC and to DAS since it was CAC who created it. It was also stated that it would be less politically charged.
  - Mark Gonzalez, Northern California Cement Masons JATC would like to see that the CAC go on record in advance notifying the legislature the Council oppose any rating of the Montoya funding. Mr. Forman stated that a letter was drafted from the CAC and sent to the Community Colleges and the Department of Education which was on RSI funding.

#### V. Adjournment

A motion to adjourn was made seconded. The meeting adjourned at 3:00 p.m.